### Access to State-Funded Public Benefits in South Carolina for Survivors, Based on Immigration Status

**By: Daniel Enos and Leslye E. Orloff**

**August 10, 2018**

<table>
<thead>
<tr>
<th>Qualified Immigrant</th>
<th>HHS Certification</th>
<th>Lawfully Present</th>
<th>Limited Benefits Eligibility</th>
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<tr>
<td><strong>TANF</strong></td>
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<td>VAWA Self-Petitioner</td>
<td>Refugee/Asylee: Eligible.</td>
<td>Not eligible.</td>
<td>No federal eligibility, 21</td>
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<td>T Visa: Eligible with prima facie (bona fide) determination on T Visa</td>
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<td>With HHS Certification, prima facie (bona fide) determination on T Visa application, or Continued</td>
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<td>Deferred Action for Childhood Arrivals (DACA)</td>
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<td>Special Immigrant Juvenile Status (SIJS)</td>
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<td>U Visa (Upon wait list approval)</td>
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<td>Refugee, Asylee, T Visa</td>
<td>With HHS Certification, prima facie (bona fide) determination on T Visa</td>
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<td>T Visa/ Continued Presence</td>
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**a** Federally funded public benefits are in non-italicized typeface and state-funded public benefits are italicized.

**b** The chart shows eligibility based on immigration status. Applicants must also meet all other program eligibility requirements, such as income/resource limits. Children and other family members included in an individual’s immigration application receive the same access to public benefits as the applicant. For technical assistance on benefits access for immigrant survivors please contact the National Immigrant Women’s Advocacy Project, American University, Washington College of Law (202) 274-4457 or info@niwap.org.


**d** See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1)(a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or ((2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see OFFICE OF THE CHIEF IMMIGRATION JUDGE, U.S. DEP’T OF JUSTICE, OPERATING POLICY AND PROCEDURE MEMORANDUM 97-9; MOTIONS FOR “PRIMA FACIE” DETERMINATION AND VERIFICATION REQUESTS FOR BATTERED SPOUSES AND CHILDREN, http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/ (last visited Mar. 2, 2018).
<table>
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<tr>
<th>T-Visa (Continued Presence)</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
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<th>U Visa Applicants</th>
<th>Undocumented</th>
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<td>Visa application which includes HHS Certification. In South Carolina, if entered on or after August 22, 1996, refugees, asylees and T visa holders with prima facie (bona fide) determination are eligible during the five years after obtaining status. Exception when the refugee, asylee or T visa holder is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.</td>
<td>Presence recipients eligible. Derivate family members with T visa status eligible without HHS Certification, exempt from five-year bar. In South Carolina, if entered on or after August 22, 1996, T visa holders with prima facie (bona fide) determination and Continued Presence trafficking survivors are eligible during the five years after obtaining status. Exception when a T visa holder is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.</td>
<td>Exception, an SIJS child with lawful permanent residency is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit. Exception, an SIJS child with lawful permanent residency is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit.</td>
<td>Eligible after accruing 40 quarters of work credit. Exception, a U visa holder is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran, they are eligible without any accrual of quarters of work credit requirement.</td>
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<td>VAWA Self-Petitioner&lt;sup&gt;6&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
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<td><strong>TANF</strong></td>
<td>Children with prima facie determination eligible for: Child Care Development Fund (CCDF)-funded child care; and TANF-funded child care if they have attained lawful permanent residency and after accruing 40 quarters of work credit, unless the VAWA self-petitioner is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran, then they are eligible regardless of work credit.</td>
<td>With HHS Certification, prima facie (bona fide) determination of T visa application, or Continued Presence recipients eligible for: CCDF-funded child care; and TANF-funded child care (exempt from TANF five-year bar).</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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<tr>
<td><strong>Child Care</strong></td>
<td>Refugee/Asylee: Children eligible for: CCDF-funded child care; and TANF-funded child care (exempt from TANF five-year bar).</td>
<td>T visa: with prima facie (bona fide) determination on T visa application, children eligible for: CCDF-funded child care; and TANF-funded child care (exempt from TANF five-year bar).</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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<tr>
<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa²/Continued Presence³</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁴</td>
<td>Special Immigrant Juvenile Status (SIJS)⁵</td>
<td>U Visa (Upon wait list approval)⁶</td>
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<td><strong>Child Care</strong></td>
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<td>Surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.²⁸</td>
<td>T visa holder is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.³²</td>
<td>upon lawful permanent residency. SIJS holders are eligible for TANF-funded child care after accruing 40 quarters of work credit.³⁶</td>
<td>Exception, an SIJS child with lawful permanent residency is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran they are eligible without any accrual of quarters of work credit requirement.³⁷</td>
<td>In South Carolina, upon lawful permanent residency, U visa holders are eligible for TANF-funded child care after accruing 40 quarters of work credit.⁴⁰</td>
<td>Exception, a U visa holder is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or a child of a veteran, they are eligible without any accrual of quarters of work credit requirement.⁴¹</td>
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<td>**SNAP (Food Stamps)**⁴⁴</td>
<td><strong>Refugee/Asylee:</strong> Eligible with no additional conditions.⁴⁶</td>
<td>With HHS Certification, prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., Derivate family)</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition,⁵⁰ e.g.: under 18,⁵¹ five years residency,⁵² 40 qualifying work quarters,⁵³ or disabled.⁵⁴</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition,⁵⁵ e.g.: under 18,⁵⁶ five years residency,⁵⁷ 40 qualifying work quarters,⁵⁸ elderly,⁵⁹ or disabled.⁶⁰</td>
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<td>SNAP</td>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</td>
<td>Purchase Health Insurance on Exchanges&lt;sup&gt;c&lt;/sup&gt;</td>
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<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status. Applicants must live in the state in which they apply, but are not required to live there for a certain amount of time in order to meet the WIC residency requirement. Applicants must also have an income at or below an income level or standard set by the State agency or be determined automatically income-eligible based on participation in certain programs (TANF, SNAP benefits, Medicaid). In South Carolina, applicants should apply at the WIC office within their county. The income eligibility requirement for a parent or guardian, who is the sole provider of children under age five, is to have a yearly household income at or below 185% of the federal poverty level.</td>
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<td>Eligible with prima facie determination. &lt;sup&gt;66&lt;/sup&gt;</td>
<td>Eligible with prima facie determination. &lt;sup&gt;66&lt;/sup&gt;</td>
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<td>Refugee: Eligible. &lt;sup&gt;67&lt;/sup&gt;</td>
<td>Refugee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days. &lt;sup&gt;68&lt;/sup&gt;</td>
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<td>Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days. &lt;sup&gt;68&lt;/sup&gt;</td>
<td>With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible. &lt;sup&gt;70&lt;/sup&gt;</td>
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<td>T visa: Eligible with prima facie (bona fide) determination on T visa application. &lt;sup&gt;69&lt;/sup&gt;</td>
<td>Derivate family members with T visa status eligible without HHS Certification. &lt;sup&gt;71&lt;/sup&gt;</td>
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<td></td>
<td>Not eligible. &lt;sup&gt;72&lt;/sup&gt;</td>
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<td>Eligible upon filing SIJS application. &lt;sup&gt;73&lt;/sup&gt;</td>
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<td>Eligible upon U visa wait list approval. &lt;sup&gt;74&lt;/sup&gt;</td>
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<td>Not eligible. &lt;sup&gt;75&lt;/sup&gt;</td>
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<td></td>
<td>Not eligible. &lt;sup&gt;76&lt;/sup&gt;</td>
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<tr>
<th>Child Health Insurance Program (CHIP)</th>
<th>VAWA Self-Petitioner&lt;sup&gt;2&lt;/sup&gt;</th>
<th>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</th>
<th>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</th>
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<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td>Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.</td>
<td>T visa: Eligible with prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible, exempt from five-year bar.</td>
<td>With HHS certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible, exempt from five-year bar.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td>In South Carolina, VAWA self-petitioners who are pregnant or are children are eligible, regardless of date of entry.</td>
<td>In South Carolina, refugees, asylees, and T visa applications with a bona fide determination who are pregnant or are children are eligible, regardless of date of entry.</td>
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<td>In South Carolina, refugees, asylees, and T visa applications with a bona fide determination who are pregnant or are children are eligible, regardless of date of entry.</td>
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<td>Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;44&lt;/sup&gt;</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar,&lt;sup&gt;97&lt;/sup&gt; in South Carolina during 7 years after obtaining status.&lt;sup&gt;98&lt;/sup&gt;</td>
<td>With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible, exempt from five-year bar,&lt;sup&gt;102&lt;/sup&gt; in South Carolina during 7 years after obtaining status.&lt;sup&gt;103&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;107&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;108&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;112&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;116&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;117&lt;/sup&gt;</td>
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<tr>
<td>Exception: In South Carolina VAWA self-petitioners who have accrued 40 quarters of work credit.&lt;sup&gt;95&lt;/sup&gt;</td>
<td>In South Carolina, refugees, asylees, and T visa applications with a bona fide determination who are pregnant are eligible, no 7 year restriction applies.&lt;sup&gt;101&lt;/sup&gt;</td>
<td>Derivate family members with T visa status eligible without HHS Certification, exempt from five-year bar,&lt;sup&gt;104&lt;/sup&gt; in South Carolina during 7 years after obtaining status.&lt;sup&gt;105&lt;/sup&gt;</td>
<td>In South Carolina, ST visas applications with a bona fide determination who are pregnant are eligible, no 7 year restriction applies.&lt;sup&gt;106&lt;/sup&gt;</td>
<td>In South Carolina, SIJS applicants granted lawful permanent residency who have accrued 40 quarters of work credit.&lt;sup&gt;110&lt;/sup&gt;</td>
<td>In South Carolina, U visa holders granted lawful permanent residency who have accrued 40 quarters of work credit.&lt;sup&gt;114&lt;/sup&gt;</td>
<td>In South Carolina, U visa holders granted lawful permanent residency who are pregnant are eligible, regardless of date of entry.&lt;sup&gt;115&lt;/sup&gt;</td>
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<td>In South Carolina, VAWA self-petitioners who are pregnant are eligible, regardless of date of entry.&lt;sup&gt;96&lt;/sup&gt;</td>
<td>Education-</td>
<td>With HHS</td>
<td>Not eligible for</td>
<td>Eligible for federal</td>
<td>Eligible for</td>
<td>Not eligible for</td>
<td>Not eligible for</td>
<td>Federal</td>
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<tr>
<td>Federal Benefits: Federal Student Aid, Grants and Loans&lt;sup&gt;118&lt;/sup&gt;</td>
<td>VAWA Self-Petitioner&lt;sup&gt;2&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
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<tr>
<td>Federal</td>
<td>determination, eligible&lt;sup&gt;119&lt;/sup&gt; and T visa holders or T visa applicants with an HHS certification or eligibility letter eligible for federal student aid.&lt;sup&gt;120&lt;/sup&gt;</td>
<td>Certification, Prima facie (bona fide) determination on T visa application, or Continued Presence recipients with HHS certification, and derivate family members with T visa status, are eligible for federal student aid.&lt;sup&gt;121&lt;/sup&gt;</td>
<td>federal student aid.&lt;sup&gt;122&lt;/sup&gt;</td>
<td>student aid upon receipt of lawful permanent residency.&lt;sup&gt;123&lt;/sup&gt;</td>
<td>federal student aid upon receipt of lawful permanent residency.&lt;sup&gt;124&lt;/sup&gt;</td>
<td>federal student aid.</td>
<td>student aid.</td>
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**Education-State Law**

*At its public postsecondary institutions, South Carolina only allows in-state tuition rates and access to institutional aid or scholarships for immigrant students with “lawful presence.”<sup>125</sup> To prove lawful presence, applicants will need to submit a Permanent Resident Card, current Visa documentation, and any other documents providing lawful status (a driver’s license is not sufficient).<sup>126</sup> All documentation will be verified through the Systematic Alien Verification for Entitlements (SAVE) program.<sup>127</sup> Note, undocumented students are not eligible for enrollment.<sup>128</sup>*

**Supplemental Security Income (SSI)<sup>129</sup>**

*Eligible with prima facie determination and lawfully residing in the U.S. on August 22, 1996, and either receiving SSI as of that date or blind or disabled.<sup>130</sup>*

Refugees/Asylees: Eligible during first seven years after the status was granted.

T visa: Eligible with prima facie (bona fide) determination on a T visa application and lawfully residing in the U.S. on August 22, 1996, and either receiving SSI as of that date or blind or disabled.<sup>131</sup>

Bona fide T visa applicants and Continued Presence recipients with HHS certification or an eligibility letter and derivate family members with T visa status (no need for HHS certification), eligible during the first seven years after status was granted.<sup>132</sup>

Not eligible.

Eligible upon receiving lawful permanent residency and completing 40 quarters of work credit, subject to five-year bar for those who arrived on or after August 22, 1996.<sup>133</sup> Those who arrived before August 22, 1996, may be subject to deeming.<sup>134</sup> Eligible upon receiving lawful permanent residency and completing 40 quarters of work credit, subject to five-year bar for those who arrived on or after August 22, 1996.<sup>135</sup> Those who arrived before August 22, 1996, may be subject to deeming. Eligible only if receiving SSI or application pending on August 22, 1996.<sup>137</sup> Eligible only if receiving SSI or application pending on August 22, 1996.<sup>138</sup>
### Driver’s License

Under the REAL ID Act, evidence of “lawful status” is required for a driver’s license to be accepted by a federal agency for official purposes. The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status. All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.). DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS. In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”

In South Carolina, driver’s licenses are issued to immigrants authorized by the federal government to live, work, or study in the United States on a temporary or permanent basis. Applicants must be able to present documentation supporting this information, and any immigrants that are not lawful permanent residents will have their license expire on a temporary or permanent basis. Applicants must be able to present documentation supporting this information, and any immigrants that are not lawful permanent residents will have their license expire on.

- the expiration date of the driver’s license applicant’s authorized period of stay in the United States; or the expiration date of the driver’s license applicant’s employment authorization document
- However, in no event shall a driver’s license issued pursuant to this item expire less than one year or more than five years from the date of its issue.
- in addition, a person pending adjustment of status who presents appropriate documentation to the Department of Motor Vehicles shall be granted a one-year extension of their driver’s license, which is renewable annually.

### Housing and Other Services Necessary to Protect Life or Safety

Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status and may not withhold those services based on immigration status. Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking; or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services; mental health, disability, or substance abuse assistance necessary to protect life or safety; activities designed to protect the life or safety of workers, children and youths, or community residents; programs to help individuals during periods of adverse weather conditions.

The South Carolina Office of Economic Opportunity administers the Emergency Solutions Grant (ESG) Program to community based- shelters and traditional housing facilities, and non-profit organizations to provide housing and counseling assistance to the state’s homeless population.
<table>
<thead>
<tr>
<th>Public and Assisted Housing</th>
<th>VAWA Self-Petitioner(^c)</th>
<th>Refugee, Asylee, T Visa(^1)</th>
<th>T Visa(^2/) Continued Presence(^3)</th>
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<td>USDA Section 521</td>
<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 161</td>
<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 161</td>
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<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 181</td>
<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 187</td>
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<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 161</td>
<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 161</td>
<td>Upon receiving lawful permanent residency, eligible for HUD 172 and USDA 173 rental housing. 174</td>
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<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 181</td>
<td>In South Carolina, eligible to live in Low Income Housing Tax Credit property. 187</td>
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<td>Upon receiving lawful permanent residency USDA Section 514/516</td>
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<td>inside or outside of the United States 193</td>
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<td>is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse; 194</td>
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<td>An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa; 191</td>
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<td>Refugee/Asylee: Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles. 202</td>
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<td>T visa; An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa, is eligible for legal assistance on any matter the LSC-funded agency handles. 202</td>
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<td>or is a victim of sexual assault or trafficking in the U.S., is eligible for legal assistance from LSC-funded agencies on matters related to the abuse. 218</td>
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<td>Eligible for LSC-funded legal assistance when the child has suffered extreme cruelty, 222</td>
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<td>or is a victim of sexual assault or trafficking in the U.S., is eligible for legal assistance from LSC-funded agencies on matters related to the abuse. 225</td>
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<td>An immigrant who has (or whose child has) been battered or subjected to extreme cruelty, 226</td>
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<td>An immigrant who has (or whose child has) applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse. 228</td>
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<td>An immigrant who is (or whose child is), battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse. 229</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence. 230</td>
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<td>An immigrant who is (or whose child is) battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse. 231</td>
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<td>An immigrant who is (or whose child is) battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse. 232</td>
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<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
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<td>assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status, or spouses, parents, and unmarried children under age 21 of U.S. citizens become eligible for full representation on any matter upon filing an application for lawful permanent residency.</td>
<td>visa holder is eligible for legal assistance on any matter the LSC-funded agency handles.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>the crime victimization.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<tr>
<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa²/Continued Presence³</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁴</td>
<td>Special Immigrant Juvenile Status (SIJS)⁵</td>
<td>U Visa (Upon wait list approval)⁶</td>
<td>U Visa Applicants</td>
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<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.¹²⁶</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.¹⁵⁶</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.¹⁶⁰</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.¹⁶³</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.¹⁶⁵</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.¹⁶⁷</td>
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<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of prima facie determination.¹³⁷</td>
<td>Eligible with prima facie (bona fide) determination for LIHEAP heating/cooling assistance and single-family weatherization assistance.¹³⁹</td>
<td>Eligible with prima facie (bona fide) determination on T visa application, or Continued Presence recipients with HHS Certification, and derivative family members with T visa status, eligible for LIHEAP heating/cooling and single-family.¹⁴¹</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.¹⁴⁳</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.¹⁴⁵</td>
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<td>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</td>
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<td>Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.¹⁷⁰</td>
<td>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.¹⁷¹</td>
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<td>Federal Emergency Management Agency (FEMA) Assistance¹⁷²</td>
<td>Upon receipt of prima facie determination:</td>
<td>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment</td>
<td>Eligible with prima facie (bona fide) determination on T visa application, or Continued Presence recipients with HHS</td>
<td>Not eligible.</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and</td>
<td>Not eligible.¹⁷³</td>
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<td>NIWAP</td>
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<td>Emergency Management Agency (FEMA)-Restricted Programs</td>
<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa / Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>U Visa (Upon wait list approval)</td>
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<td>Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Assistance (DUA): open to Refugees, Asylees, T visa applicants with prima facie (bona fide) determination.</td>
<td>Certification, and derive family members with T visa status, eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.</td>
<td>Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
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<td>FEMA Restricted Programs</td>
<td>Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Emergency SNAP open to Refugees/Asylees (no five-year bar), and T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Emergency SNAP: open to Refugees, Asylees, T visa applicants with prima facie (bona fide) determination.</td>
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1 See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims or a family member of a trafficking victims with T visa status or a pending T visa application setting forth a “prima facie” (bona facie) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).


4 See DACA, NAT’L IMMIGRATION LAW CTR. (last visited Mar. 2, 2018), https://www.nilc.org/issues/daca/ (DACA is “deferred action” for certain undocumented youth who came to the United States as children.).

5 See 8 U.S.C. § 1101(a)(27)(j) (Special Immigrant Juvenile Status (SIJS) allows certain youth immigrant survivors of abuse, abandonment, and/or neglect by a parent to obtain legal immigration status.).

6 See DEP’T OF HOMELAND SEC., U. AND T VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES, AND OTHER GOVERNMENT AGENCIES 3 (2015), http://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/ (U visas benefit victims of certain crimes who have suffered severe physical or emotional abuse. If certain conditions are met, a U visa holder may apply for adjustment to lawful permanent resident status.; See CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hsflawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/ (Upon wait list approval, U visa applicants receive deferred action and are considered lawfully present.).


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parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.

If eligible for TANF, applicants are also eligible for TANF-funded child care. Benish Anver & Leslye E. Orloff, https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and

Citizen_Guidance_063011.pdf (Eligible children are exempt from sponsor deeming.).

might be eligible for nutrition assistance.

most public benefits, to obtain food stamps, individuals must also meet resource, income, and employment requirements. There is a pre-screening tool to determine if an individual might be eligible for nutrition assistance."

Table 1: Overview of Immigrant Eligibility for Federal Programs in

GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS

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58 See U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 14-15 (2011), https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.).
68 Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/. See 8 U.S.C. § 1641(b)(3); 45 C.F.R § 152.2(5) (2017) (“A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.”).


emergencymedicaid; see id. Chapter 17.2: Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services (February 12, 2017)


SOC. SECURITY ADMIN., UNDERSTANDING SUPPLEMENTAL SECURITY INCOME SSI ELIGIBILITY REQUIREMENTS – 2017 EDITION (2017), https://www.ssa.gov/ssi/text-eligibility-ussi.htm (While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.).


See 6 C.F.R. § 37.11(g)(1) (2012).


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VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.


Tenants eligible for USDA-financed housing must be U.S. citizens or qualified immigrants, but its effective date is still pending; 70 Fed. Reg. 8503 (Feb. 22, 2005).

Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident. 7 C.F.R. § 3560.11, 3560.152(a) (2004) (stating that tenants eligible for USDA-financed housing must be U.S. citizens or qualified immigrants, but its effective date is still pending); Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs, 70 Fed. Reg. 8503 (Feb. 22, 2005) (to be codified at 7 C.F.R. 3560).

Housing programs may require a tenant to be a U.S. citizen or qualified immigrant to remain in the housing after the original tenant has departed. See, DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/.

Federal law requires states to certify that their housing programs meet the eligibility requirements of the federal subsidies involved. See, DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/.

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May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from other unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

165 See Housing Tax Credit (LIHTC), S.C. HOUS., https://www.schousing.com/Home/HousingTaxCredits (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including T visa applicants with a bona fide determination and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).


Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. See 42 U.S.C. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittany Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

The abuse may have occurred either inside or outside of the U.S. See RONALD S. FLAGG, GENERAL COUNSEL & VICE PRESIDENT FOR LEGAL AFFAIRS, LEGAL SERVICES CORPORATION, PROGRAM LETTER 14-3: ASSESSING ELIGIBILITY OF ALIENS UNDER 45 C.F.R. § 1626.4(c)(1) (2014) (interpreting 45 C.F.R. § 1626.4(c)).


See 45 C.F.R. § 1626.5(c).

See 45 C.F.R. § 1626.4(a)(1)(i) (trafficking victim); 45 C.F.R. §§ 1626.4 (a)(1)(ii) (parent of trafficking victim); 45 C.F.R. § 1626.2(k)(2) (A “victim of trafficking” under the anti-abuse regulation is a victim of any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services (HHS)); 45 C.F.R. § 1626.4(c)(2)(ii) (stating that to qualify for legal assistance by an LSC funded agency, the trafficking must have occurred in the U.S. or violate U.S. law, 45 C.F.R. § 1626.4(c)(1), and the trafficking victim must be present in the U.S. at the time of the application for legal assistance).

See 45 C.F.R. § 1626.4(a)(2).


45 C.F.R. § 1626.5(a).

45 C.F.R. § 1626.5(b).

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See 45 C.F.R. § 1624.6(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1624.6(a)(2)(ii) (seeking certification); 45 C.F.R. § 1626.2(j) (“Victim of severe forms of trafficking” means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1624.6(c)(1) (stating that to qualify for legal assistance by an LSC funded agency, the victim must be present in the U.S. at the time of the application for legal assistance, 45 C.F.R. § 1624.6(c)(2)(ii), and the trafficking must have occurred in the U.S. or violated U.S. law).

See 45 C.F.R. § 1624.6(a)(2)(i)(B) (visa holder); 45 C.F.R. § 1624.6(a)(2)(ii) (visa applicant); 45 C.F.R. § 1624.6(c) (stating that eligibility for legal assistance under these provisions does not require HHS certification, 45 C.F.R. § 1624.6(a)(2)(ii), although the trafficking must either have occurred in the U.S. or violated U.S. law).

OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program promotes the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


See 45 C.F.R. §§ 1624.6(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1624.6(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slave trade;kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Leslye E. Orloff, Britannay Roberts & Stefanie Gitter, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

45 C.F.R. §§ 1624.6(a)(1)(i) (victim); 45 C.F.R. §§ 1624.6(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1624.6(c).

Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1624.6 (b); see also Benish Anver, Henrisa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrisa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded
OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).  


45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forced detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”).  

See Lesley E. Orloff, Britttnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations).  Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(a)(i)(vi).

45 C.F.R. § 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).  

45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Related legal services may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”).  See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

See 45 C.F.R. § 1626.5(a).


229 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


232 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes). To qualify for legal representation by an LSC funded agency, the abuse must either have occurred inside the U.S. or violated U.S. law. 45 C.F.R. § 1626.4(c)(1).

233 “Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).” 45 C.F.R. 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

234 See 45 C.F.R. § 1626.5(a).


236 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).
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242 See 45 C.F.R. § 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)–(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

243 To qualify for legal representation by an LSC funded agency, the abuse must either have occurred inside the U.S. or violated U.S. law. 45 C.F.R. § 1626.4(c)(1).

244 45 C.F.R. 1626.4 (b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-april-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

245 Office on Violence Against Women, U.S. Dep’t of Justice, FY 2018 Legal Assistance for Victims Grant Program PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


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NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), & Leslye E. Orloff,


See 45 C.F.R. § 1626.4(a)(1)(i)(ii) (victim); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.”) See Lesly E. Orloff, Brittany Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

250 See 45 C.F.R. § 1626.4(a)(1)(i) (victim); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

251 The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

252 See also 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”); Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone-jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedlss.

253 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


unemployment assistance (dua), “qualified” immigrants must have employment authorization.


262 nat’l immigration law ctr., low-income home energy (liheap) and weatherization assistance programs (wap) in guide to immigrant eligibility for federal programs 150, 150-51 (4th ed. 2002, rev. may 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. see 22 u.s.c. § 7105(b) (applicants under 18 require only hhs eligibility determination (not certification)).


